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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,601	10/25/2001	Kenny W. Lang	37,343-00	1919
4249	7590	03/13/2006	EXAMINER SMITH, TRACI L	
CAROL WILSON BP AMERICA INC. MAIL CODE 5 EAST 4101 WINFIELD ROAD WARRENVILLE, IL 60555			ART UNIT 3629	
DATE MAILED: 03/13/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/001,601

Applicant(s)

LANG ET AL.

Examiner

Traci L. Smith

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to papers filed on October 25, 2001.
2. Claims 1-30 are pending.
3. Claims 1-30 are rejected.

### ***Information Disclosure Statement***

4. The information disclosure statement filed 04/08/2002 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. The information not considered are the websites listed on page 2 of the IDS however that lack a copy of the websites.

### ***Drawings***

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: several reference numbers and figures are not identified in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures

appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-17 and 26-28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims contain the limitation of "weighting attributes" and/or "grading attributes". The specification fails to identify how one weights the attributes what information is used to determine a rating and what exactly the ratings are. Are they a numerical value from 1-5, how do you know which value to give the attribute? Which has a better weight, 1 or 5.

***Claim Rejections - 35 USC § 101***

8. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claim 1-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims use a subjective method/process of identifying qualified candidates. The review of the information by a manager is a subjective evaluation of what that manager deems important. Even that same person might not generate the same decision if given the same information for a second candidate. The subjective component of the invention is not reproducible by another. The subjective nature of what is claimed leaves question as to the metes and bounds of the invention. Applicants claims and specification both identify the evaluation as "subjective" there for having no concrete guidelines to follow when evaluating a candidate. Furthermore, the applicant claims "weighting/grading" attributes of oneself when enter skills. This again is a subjective evaluation in which no concrete guidelines are set for as to the weighting/grading system. One candidate may "grade" themselves higher or lower than a second candidate with the exact same skill set.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-7, 10, 12, 14, 16-17, 23-25, 27, and 29-30 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,257,812 Haq et al. Intelligent System for Dynamic Resource Management, hereinafter referred to as Haq.
12. As to claim 1 Haq teaches identifying attributes needed to do a job(C. 3 I. 36-37)  
Getting information about candidates regarding their skills jobs history(C. 3 I. 21-23).  
Identifying candidates that meet attributes needed based on candidates skill/history information(C. 6 I. 12-16).  
Weighing candidate skills(C. 6 I. 29-31).  
Using weights to match with needed attributes(C. 5 I. 42-43).
13. As to claim 2 Haq teaches using computers remotely located(C. 9 I. 13-15).
14. As to claims 3-4 Haq teaches using the internet at a network to communicate with other around the country(C. 6 I.34-38).
15. As to claim 5 Haq teaches defining attributes for job and posting the need for the job(C. 12 I. 17-20).
16. As to claim 6 Haq teaches weights as being different for different skills(C. 4 I. 47-50)
17. As to claim 7,16-17, 23 and 29 Haq teaches managers approving or disproving a workers skill against a job criteria(C. 11 I. 66-67; C. 12 I. 1-2)
18. As to claims 10, 24 and 30 Haq teaches a point total for skills that are compared to needed attributes(C. 4 I. 59-64).

19. As to claims 12 and 14 Haq teaches announcing to workers a need for a job done and allowing workers to submit their information(C. 7 l. 46-50). Although Haq does not explicitly teach the workers being in the oil and gas field this limitation is non-functional descriptive language. The type of skills a worker has does not effect the steps of the method/process. The steps would be performed the same regardless if the worker was in oil and gas or website design.

20. As to claim 25 Haq teaches skills being required to perform job(C. 4 l. 5-6)

21. As to claim 27 Haq teaches matching the worker skills with the needed attributes(C. 5 l. 6-10)

### ***Claim Rejections - 35 USC § 103***

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 13, 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6, 275,812 Haq et al. Intelligent System for Dynamic Resource Management

24. As to claim 13 Haq teaches letting workers know about openings(C. 7 I. 46-50). However, Haq fails to teach the communication via the internet. It would have been obvious to one skilled in the art at the time of invention to modify Haq using the internet for communication. Haq identifies having employees all over the country and the internet would allow all employees access to the information whether they were in an office or deployed off-site.

25. As to claims 19-20 Haq teaches communication between employer and candidate as email(C.8 I. 65-68). However, Haq fails to teach the email communication in the direction of the employer to the candidate. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Haq to include email notification in the opposite direct of employer to candidate. If a employer received a communication from a candidate via email it would be obvious to respond back when communicating with the candidate via email.

26. As to claims 21-22 Haq teaches an apparatus for determing whether an employee meets the skills requirements as well as tracking previous deployment projects. However, Haq fails to teach a database tracking previous work history within that company. It would have been obvious to one skilled in the art at the time of invention to modify Haq to include tracking whether contract workers have worked for



the company previously before. It would be necessary to maintain that worker as temporary worker to not employee the worker for so many consecutive days.

27. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6, 275,812 Haq et al as applied to claims 1-7, 10, 12, 14, 16-17, 23-25, 27, and 29-30 above, and further in view of Non-patent literature article "How to form hiring teams.(Survival Guide for Recruitment in the 90's), hereinafter referred to as Hiring Teams. August 1994.

28. As to claims 8-9 Haq teaches method of managing hiring of employees, however, Haq fails to teach using managers to voice opinions about the qualifications of candidates. Hiring team teaches using supervisors being on committees for hiring those employees and giving a fair assessment.(PG. 3 para. 1-2). It would have been obvious to one skilled in the art at the time of invention to use managers for assessment as they are the ones who will be working with the employee and also know the job requirements

29. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6, 275,812 Haq et al as applied to claims 1-7, 10, 12, 14, 16-17, 23-25, 27, and 29-30 above, and further in view of US Patent 6,567,784 Bukow; Method and Apparatus for Matching Projects and Workers.

30. As to claim 11 Haq teaches evaluations of candidates for meeting pre-determined criteria. However, Haq fails to teach the pre-determined criteria as being feels and availability. Bukow teaches candidates having an identified start/end time availability and cost for the project. It would have been obvious to one skilled in the art

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at the time of invention to combine Bukow with Haq. So as to satisfy the intent of contract/temporary workers to save money and time by having someone one do it at a lesser cost than a full-time employee and doing the project when the company needs the work done without delay.

31. Claims 15, 18, 26 and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6, 275,812 Haq et al as applied to claims 1-7, 10, 12, 14, 16-17, 23-25, 27, and 29-30 above, and further in view of Non-patent literature article "How to form hiring teams.(Survival Guide for Recruitment in the 90's) and US Patent 6,567,784.

32. As to claims 15, 18, 26 and 28 Haq teaches

Getting information about candidates regarding their skills jobs history(C. 3 I. 21-23).

managers approving or disproving a workers skill against a job criteria(C. 11 I. 66-67; C. 12 I. 1-2)

Haq fails to teach using managers to voice opinions about the qualifications of candidates. Hiring team teaches using supervisors being on committees for hiring those employees and giving a fair assessment.(PG. 3 para. 1-2). It would have been obvious to one skilled in the art at the time of invention to use managers for assessment as they are the ones who will be working with the employee and also know the job requirements

identifying attributes needed to do a job(C. 3 I. 36-37)

Weighing candidate skills(C. 6 I. 29-31).

Using weights to match with needed attributes(C. 5 I. 42-43).

Using information to determine a person to employ for the work needed to be done(C. 1 I. 29-31 and 61-64).

Haq fails to teach communication with the candidate the employer wishes to hire, however, it would have been obvious to modify Haq to communicate with candidate in order to allow candidate to accept or decline the work.

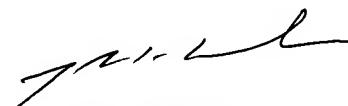
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L. Smith whose telephone number is 571-272-6809. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TLS

  
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